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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/826,415
Filing Date: April 16, 2004
Appellant(s): DOEPKE ET AL.

Sean McDermott
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/20/07 appealing from the Office action mailed 03/27/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,154,600	NEWMAN et al.	11-2000
2002/0116716 A1	SIDEMAN	08-2002
6,909,438 B1	WHITE et al.	06-2005
2004/0218894 A1	HARVILLE et al.	11-2004
5,528,310	PETERS et al.	06-1996
6,445,816 B1	PETTIGREW	09-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-8, 11-12, and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Newman et al., US 6,154,600, 11/28/00.

Regarding claim 1, Newman discloses a media editor that provides for the creation of transitions between hypermedia portions which meets the preamble, ***a method to specify a multimedia transition***. See column 4, lines 6-32.

Newman teaches manipulating hypermedia comprises a first transition controller for retrieving a first frame from a memory controller which meets the limitation, ***identifying a source multimedia object***. See column 4, lines 44-52. Newman teaches manipulating hypermedia comprises a second transition controller for retrieving a second frame from a memory controller which meets the limitation, ***identifying a target multimedia object***. See column 4, lines 44-52.

Newman also discloses an alpha transition controller to retrieve an alpha frame from the memory controller wherein the alpha frame can be a video frame or other hypermedia captured by a consumer using a GUI in order to add a variety of editing functions defining a transition which meets the limitation ***identifying a plurality of multimedia assets that define a transition, wherein at least one of the plurality of multimedia assets is user-supplied independent of any multimedia assets provided by a video editing application.*** See column 3, lines 45-67, column 4, lines 5-52, and column 9, lines 32-67. Newman teaches a user can capture hypermedia from

real-time on-line sources as well as off-line sources which is independent of multimedia assets provided by a video editing application. See column 3, lines 45-59.

Examiner note: Multimedia assets define a transition effect and can include video streams, matte movies, background matte movies, switch points, and durations. See Applicant's description in Specification, page 3. In this case, the hypermedia selected by a user and used in the alpha frame defines a transition effect.

Newman teaches integrating the first frame, the second frame, and the alpha frame to form a transition frame which meets the limitation, ***compositing the multimedia assets that define the transition with the source and target multimedia objects to create a result; and making the result available for use by the video editing application***. See column 4, lines 44-52 and column 9, lines 32-55.

Regarding claim 2, Newman teaches the hypermedia used to define a transition may include a video (i.e. asset movie) or other hypermedia. See column 3, lines 45-67 and column 4, lines 1-5. *Examiner note: Applicant's specification on pages 5-6 define an asset movie as a movie or image shown during the transition from a start image/clip to a end image/clip. In this case, Newman's system allows any captured hypermedia including a clip or video to be used in defining transitions.*

Regarding claim 3, Newman teaches the hypermedia used to define a transition can be captured by a consumer and edited by a consumer to define editing functions and transitions. See column 3, lines 45-67 and column 4, lines 1-5.

Regarding claim 4, Newman teaches the hypermedia supplied by a consumer may include video clips. See column 3, lines 45-67 and column 4, lines 44-52.

Regarding claim 6, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within 446) that indicates the duration of the hypermedia portion corresponding to a clip. See figures 10-11 and columns 15-16.

Regarding claim 7, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within 446) that indicates the duration of the hypermedia portion corresponding to a clip. See figures 10-11 and columns 15-16. A user can modify transition effects in the GUI including determining a transition.

Regarding claim 8, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within 446) that indicates the duration of the hypermedia portion corresponding to a clip. See figures 10-11 and columns 15-16.

Regarding claim 11, Newman teaches retrieving a first frame from a memory controller comprises a plurality of video frames. A plurality of video frames make up a multimedia presentation. See column 4, lines 34-52.

Regarding claim 12, Newman teaches retrieving a second frame from a memory controller comprises a plurality of video frames. A plurality of video frames make up a multimedia presentation. See column 4, lines 34-52.

Regarding claims 14-17 and 19-20, the claims are drawn to a program storage device with machine-readable instructions for causing the device to execute the method of claims 1, 3, 4, 6, and 11-12 respectfully above. Accordingly, the claims 14-17 and 19-20 are rejected under the same rationale used with respect to claims 1, 3, 4, 6, and 11-12 respectfully above.

Regarding claim 18, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within 446) that indicates the duration of the hypermedia portion corresponding to a clip. See figures 10-11 and columns 15-16.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 22, 26-28, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., US 6,154,600, 11/28/00.

Regarding claim 22, Newman discloses a media editor for defining a transition from one frame to another frame which meets the preamble, ***a method for generating a user defined transformation using a video editing application***. See column 3, lines 45-67 and column 4, lines 1-52.

Newman teaches retrieving multiple frames representing a video portion from a transition controller that retrieves the frames from a memory controller which meets the limitation ***identifying a first movie that is independent of any movie provided by the video editing application***. See column 4, lines 1-52.

Examiner note: A movie may comprise one or more frames; therefore, Newman's retrieval of a first frame can be interpreted as a movie.

Newman teaches identifying an alpha frame from the memory controller or from a user-captured clip from the WWW wherein the alpha frame comprises a video clip or movie which matches the limitation ***identifying an x-asset key that is independent of any x-asset key provided by the video editing application, wherein the x-asset key comprises at least one second movie***. See column 3, lines 45-67, column 4, lines 1-52 and column 9, lines 32-54.

Newman teaches integrating the first frame, the second frame, and the alpha frame to form a transition frame which matches the limitation, ***compositing a transformation by combining the first movie and the second movie in accordance with the x-asset key.*** See column 4, lines 44-52 and column 9, lines 32-55.

Newman does not utilize the term ***x-asset key*** when he teaches identifying an alpha frame that is independent of the video editing application, wherein the alpha frame comprises a second movie. An x-asset key is defined as a collection of all assets for a transformation including movies and parameters (see Applicant's specification, page 7). Therefore, Newman's *alpha frame* is analogous to an "x-asset key" because an alpha frame can be a video clip that defines the transition or transformation from one frame to a second frame. See column 4, lines 44-52 and column 9, lines 32-55. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to interpret Newman's alpha frame as an x-asset key because it is a movie for a transformation.

Regarding claim 26, Newman discloses a CPU, memory coupled to the CPU, and a media editor coupled to the CPU and memory for performing the method of claim 22 above. Accordingly, claim 26 is rejected under the same rationale used in claim 22 above.

Regarding claim 27, claim 27 is drawn to a machine readable medium comprising instructions for performing the method of claim 22 and therefore, is rejected under the same rationale used in claim 22 above.

Regarding claim 28, Newman discloses a media editor for defining a transition from one frame to another frame which meets the preamble, ***a method for generating a user defined transition using a video editing application***. See column 3, lines 45-67 and column 4, lines 1-52.

Newman teaches identifying a first and second frame received from a first and second transition controller that retrieves the frames from a memory controller which meets the limitation ***identifying first and second image frames that are independent of any image frames provided by the video editing application***. See column 4, lines 1-52. Newman teaches identifying an alpha frame from the memory controller or from a user-captured clip from the WWW wherein the alpha frame comprises a video clip or movie which matches the limitation ***identifying an x-asset key that is independent of any x-asset key provided by the video editing application, wherein the x-asset key***

comprises at least one second movie. See column 3, lines 45-67, column 4, lines 1-52 and column 9, lines 32-54.

Newman teaches integrating the first frame, the second frame, and the alpha frame to form a transition frame which matches the limitation, ***compositing the first image frame, the second image frame, and each frame of the movie in accordance with the x-asset key using the video editing application.*** See column 4, lines 44-52 and column 9, lines 32-55.

Newman does not utilize the term ***x-asset key*** when he teaches identifying an alpha frame that is independent of the video editing application, wherein the alpha frame comprises at least one movie. An x-asset key is defined as a collection of all assets for a transformation including movies and parameters (see Applicant's specification, page 7). Therefore, Newman's *alpha frame* is analogous to an "x-asset key" because an alpha frame can be a video clip that defines the transition or transformation from one frame to a second frame. See column 4, lines 44-52 and column 9, lines 32-55. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to interpret Newman's alpha frame as an x-asset key because it is a movie for a transformation.

Regarding claim 34, Newman discloses a CPU, memory coupled to the CPU, and a media editor coupled to the CPU and memory for performing the method of claim 28 above. Accordingly, claim 34 is rejected under the same rationale used in claim 28 above.

Regarding claim 35, claim 35 is drawn to a machine readable medium comprising instructions for performing the method of claim 28 and therefore, is rejected under the same rationale used in claim 28 above.

Claims 13, 21, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., US 6,154,600, 11/28/00 in view of Sideman, US 2002/0116716 A1, 08/22/02 (filed 02/22/01).

Regarding claim 13, Newman teaches retrieving a second frame from the memory controller comprising a plurality of video frames. A plurality of video frames make up a multimedia presentation. See column 4, lines 34-52. However, Newman does not teach that the multimedia presentation is a second multimedia presentation.

Sideman teaches selecting media assets for use in a video and selecting a sequence of those assets as well as defining transitions. See page 1, paragraphs [0015]-[0017] and page 4, paragraph [0076]-[0079]. The multimedia assets can be user supplied or retrieved from an archive or associated library which meets the limitation ***a second multimedia presentation***. See page 3, paragraph [0048] and page 4, paragraphs [0076]-[0079].

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include Sideman's selection of multimedia assets from a variety of

sources when editing a sequence of clips and transitions in the system of Newman because it does not restrict a user to content from one source and allows a user to exercise some creativity. See page 1, paragraphs [0005]-[0013] of Sideman.

Regarding claim 21, the claim is drawn to a program storage device with machine-readable instructions for causing the device to execute the method of claim 13 above. Accordingly, the claim is rejected under the same rationale used with respect to 13 above.

Regarding claim 29, Newman teaches retrieving the first and second frames from a memory controller comprising the frames of a video. The first and second frame can be any frame from the video portion; however, Newman does not expressly teach the second frame is the first frame of a second movie.

Sideman teaches selecting media assets for use in a video and selecting a sequence of those assets as well as defining transitions. See page 1, paragraphs [0015]-[0017] and page 4, paragraph [0076]-[0079]. The multimedia assets can be user supplied or retrieved from an archive or associated library comprising the multimedia assets. See page 3, paragraph [0048] and page 4, paragraphs [0076]-[0079]. Therefore, Sideman teaches the second frame could be from a second movie.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include Sideman's selection of multimedia assets from a variety of sources when editing a sequence of clips and transitions in the system of Newman

because it does not restrict a user to content from one source and allows a user to exercise some creativity. See page 1, paragraphs [0005]-[0013] of Sideman.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., US 6,154,600, 11/28/00 in view of White et al., US 6,909,438 B1, 06/21/05 (filed 01/23/01).

Regarding claim 5, Newman teaches the user-supplied multimedia assets can comprise video clips. See column 3, lines 45-67 and column 4, lines 1-52. However, Newman does not expressly disclose the user-supplied multimedia assets comprise user-generated matte video clips. White discloses a video compositor including a matte video. See column 1, lines 28-51 and column 12, lines 44-67. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a matte video clip among the multimedia assets supplied by the user in Newman's system because matte video clips help in determining the percentage of foreground and background values that will be used for each pixel in a composited image. See page 1, lines 28-51.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., US 6,154,600, 11/28/00 in view of White et al., US 6,909,438 B1, 06/21/05 (filed 01/23/01), as applied to claim 8 above, and further in view of Harville et al., US 2004/0218894 A1, 11/04/04 (filed 04/30/03).

Regarding claim 9, Newman does not teach identifying a key asset and interrogating metadata associated with the key asset to identify default transition time. However, Harville discloses a transition element that describes effects of the transition such as the length of time over which to transition from one piece of content to another. See page 8, paragraph [0106]-[0108]. Harville discloses a pair of tags and values specifying parameters for the transition such as the length of time it is to take place. See page 8, paragraphs [0106]-[0108].

Examiner note : A key asset is defined by the Applicant on page 10, paragraph [0024] of the Specification, as an asset that is used to define the time duration of the transition. Thus Harville's teachings of an element defining the length of time over which a duration should take place using a pair of tags and values specifiying the parameters is an asset defining a default transition time.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include Harville's identification of a default transition time in the system of Newman because it was desirable at the time of the invention to enable a user to customize various features of a transition. See page 1, paragraph [0006] of Harville.

Regarding claim 10, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within 446) that indicates the duration of the hypermedia portion corresponding to a clip. See figures 10-11 and columns 15-16.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., US 6,154,600, 11/28/00 in view of Peters et al., US 5,528,310, 06/18/96.

Regarding claim 30, Newman discloses an alpha frame that is a video describing the transition from one frame to another frame. An alpha frame includes an alpha value for each pixel that defines a mix level between corresponding pixels of the first and second frames. The alpha value is interpreted as an alpha channel as an alpha channel is defined as a mask that specifies how a pixel's colors should be merged/blended with another pixel when the two are overlaid (See Applicant's specification, page 5). Newman's alpha frame including an alpha value meets the limitation, ***wherein the at least one movie comprises an asset movie including alpha channel information***.

Although Newman discloses various types of transitions including dissolve and face, he does not expressly disclose an ***asset movie including a marker***, ***blending the first image frame as a background and each frame of the asset movie as a foreground in accordance with the alpha channel information before the marker is reached*** or ***blending the second image as a background and each frame of the asset movie as a foreground in accordance with the alpha channel information after the marker.***

Peters teaches creating a transition between a first sequence of video frames and a second sequence of video frames. Peter discloses manipulating a timeline to

determine the rough area in which the transition is to be added which meets the limitation ***asset movie including a marker***. See column 3, lines 65-67 and column 4, lines 1-30. The user can drag the transition start control line to move the start of the transition earlier or later.

Peter teaches retrieving the pixel sequences for the first and second scene in a player module. The player module uses a blending factor to blend the first frame wherein a first blending factor decreases linearly as the transition progresses and the second blending factor increases as time progresses causing a first scene to fade out as a second scene fades in which meets the limitations, ***blending the first image frame as a background and each frame of the asset movie as a foreground in accordance with the alpha channel information before the marker is reached*** and ***blending the second image as a background and each frame of the asset movie as a foreground in accordance with the alpha channel information after the marker.*** See column 6, lines 1-67 and column 7, lines 1-43.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Peter's creating of transitions with Newman's system for creating transitions because it was desirable at the time of the invention to create a transition between a first frame and a second frame wherein a user could utilize different transition characteristics to achieve a desired aesthetic effect. See column 2, lines 5-46 of Peter.

Claims 23-25 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., US 6,154,600, 11/28/00 in view of Pettigrew, US 6,445,816 B1, 09/03/02.

Regarding claim 31, Newman teaches identifying an alpha frame from the memory controller wherein the alpha frame comprises a video clip (i.e. movie). See column 4, lines 1-52 and column 9, lines 32-54. Newman teaches integrating the first frame, the second frame, and the alpha frame to form a transition frame. See column 4, lines 44-52 and column 9, lines 32-55. Newman does not disclose the at least one movie comprises all of an asset movie, an asset matte movie, and a background matte movie used to perform the compositing.

However, Pettigrew discloses a system for compositing video image data wherein a video comprises a sequence of image frames. See column 2, lines 26-29. Pettigrew teaches compositing two images using an associated key-signal or matte. The key/matte controls which part of the background and which part of the foreground is to be taken in order to render the frame in the resulting image which is the claimed *"background matte movie"*. When the key or matte for a given frame is white, only the foreground image is taken for the resulting frame and when the key or matte for a given frame is black, only the background is taken for the resulting. When keys are not pure white or black, the resulting frame is derived from a percentage of the corresponding foreground frame and a percentage of the corresponding background frame. See column 6, lines 46-60.

First image frames are derived from a foreground image comprising a required foreground image recorded against an unrequired background, such that a compositing process results in the unrequired background being replaced by a new required background. This is done using a procedure that first describes a base color of the unrequired background and second determines the difference from the color of the foreground image from the identified color and third, processes the foreground image to produce associated data. Associated data known as the alpha matte data is used to produce an output or composite data of the foreground and background images which is the claimed *"asset matte movie"*. See column 10, lines 24-48.

Pettigrew discloses an act of compositing a foreground image with a background image. When the key or matte for a given frame is white, only the foreground image is taken for the resulting frame and when the key or matte for a given frame is black, only the background image is taken for the resulting. When keys are not pure white or black, the resulting frame is derived from a percentage of the corresponding foreground frame and a percentage of the corresponding background frame. See column 6, lines 46-60. This meets the claimed limitations, "*blending a portion of the first image frame as a background, the corresponding portion in a frame of the asset movie as the foreground in accordance with the alpha channel information in the asset matte movie, when the corresponding portion in the background matte movie is white"* and *"blending a portion of the second image frame as a background, the corresponding portion in a frame of the asset movie as the foreground in accordance with the alpha channel information in the asset matte movie, when the corresponding portion in the background matte movie is*

black" because: Initially on a white background, the first frame is displayed as the background. As the color changes, a certain percentage of the foreground image and background image is calculated based on the asset matte movie, resulting in the transition being in the foreground. As the color turns into a black background, the transition remains in the foreground as a second image emerges in the background. See columns 6-10 of Pettigrew.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Pettigrew in the system of Newman because it was desirable at the time of the invention to provide blending between foreground and background images when defining transitions among images in order to enhance the realism of the effect, otherwise, a viewer would experience a hard transition from one seen to a next indicated the two image parts originated from separate sources. See column 2, lines 9-36 of Pettigrew.

Regarding claim 32, Newman does not teach adjusting the length in time and size in pixels of the asset matte movie to match the asset movie and the background matte movie. It is noted that the length in time and size in pixels of the asset matte movie and asset movie as well as the background matte movie and asset movie could be identical, not requiring the adjustment. Pettigrew teaches matching the pixels of the associated data (i.e. background matte) with the foreground and background images that make up the transition (asset movie). See columns 5-6. Furthermore, Pettigrew

teaches matching the alpha matte signal to the foreground and background images to produce composited data as in column 10, lines 32-48.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Pettigrew's teachings with that of Newman's because it was desirable at the time of the invention to provide blending between foreground and background images when defining transitions among images in order to enhance the realism of the effect, otherwise, a viewer would experience a hard transition from one seen to a next indicated the two image parts originated from separate sources. See column 2, lines 9-36 of Pettigrew.

Regarding claim 33, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within 446) that indicates the duration of the hypermedia portion corresponding to a clip which meets the limitation, ***wherein the x-asset key further comprises at least a duration parameter***. See figures 10-11 and columns 15-16.

Newman teaches the length of the asset movie is set by a user using the time ruler in the GUI which meets the limitation, ***adjusting the length in time of the asset movie to match the duration specified by the duration parameter.*** See figures 10-11 and columns 15-16.

Regarding claim 23, Newman does not teach the second movie comprises both an asset movie and a third movie and the act of compositing comprises blending the

asset movie as a foreground and the first movie as a background in accordance with blending information in the third movie; however, Pettigrew does. Pettigrew discloses a system for compositing video image data wherein a video comprises a sequence of image frames. See column 2, lines 26-29. Pettigrew teaches compositing two images using an associated key-signal or matte. The key/matte controls which part of the background and which part of the foreground is to be taken in order to render the frame in the resulting image. When the key or matte for a given frame is white, only the foreground image is taken for the resulting frame and when the key or matte for a given frame is black, only the background is taken for the resulting. When keys are not pure white or black, the resulting frame is derived from a percentage of the corresponding foreground frame and a percentage of the corresponding background frame. See column 6, lines 46-60.

First image frames are derived from a foreground image comprising a required foreground image recorded against an unrequired background, such that a compositing process results in the unrequired background being replaced by a new required background. This is done using a procedure that first describes a base color of the unrequired background and second determines the difference from the color of the foreground image from the identified color and third, processes the foreground image to produce associated data. Associated data known as the alpha matte data is used to produce an output or composite data of the foreground and background images which is the claimed *"third movie"*. See column 10, lines 24-48.

Pettigrew discloses an act of compositing a foreground image with a background image. When the key or matte for a given frame is white, only the foreground image is taken for the resulting frame and when the key or matte for a given frame is black, only the background image is taken for the resulting. When keys are not pure white or black, the resulting frame is derived from a percentage of the corresponding foreground frame and a percentage of the corresponding background frame. See column 6, lines 46-60. This meets the claimed limitations, "*blending the asset movie as a foreground and the first movie as a background in accordance with blending information in the third movie*" because: Initially on a white background, the first frame is displayed as the background. As the color changes, a certain percentage of the foreground image and background image is calculated based on the asset matte movie or third movie, resulting in the transition being in the foreground. As the color turns into a black background, the transition remains in the foreground as a second image emerges in the background. See columns 6-10 of Pettigrew.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Pettigrew in the system of Newman because it was desirable at the time of the invention to provide blending between foreground and background images when defining transitions among images in order to enhance the realism of the effect, otherwise, a viewer would experience a hard transition from one seen to a next indicated the two image parts originated from separate sources. See column 2, lines 9-36 of Pettigrew.

Regarding claim 24, Newman does not teach the third movie comprises one of a background matte movie, scale map movie, displacement map movie, luminosity map movie, a zoom-x map movie or a zoom-y map movie. However, Pettigrew teaches the third movie can comprise a background matte movie. Pettigrew discloses a system for compositing video image data wherein a video comprises a sequence of image frames. See column 2, lines 26-29. Pettigrew teaches compositing two images using an associated key-signal or matte. The key/matte controls which part of the background and which part of the foreground is to be taken in order to render the frame in the resulting image which is the claimed ***"background matte movie"***. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Pettigrew in the system of Newman because it was desirable at the time of the invention to provide blending between foreground and background images when defining transitions among images in order to enhance the realism of the effect, otherwise, a viewer would experience a hard transition from one seen to a next indicated the two image parts originated from separate sources. See column 2, lines 9-36 of Pettigrew.

Regarding claim 25, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within 446) that indicates the duration of the hypermedia portion corresponding to a clip which meets the limitation, ***wherein the x-asset key further comprises at least a duration parameter***. See figures 10-11 and columns 15-16.

Newman teaches the length of the asset movie is set by a user using the time ruler in the GUI which meets the limitation, ***adjusting the length in time of the asset movie to match the duration specified by the duration parameter.*** See figures 10-11 and columns 15-16.

(10) Response to Argument

On pages 6-9 of the Brief, Appellant argues the rejections under 35 U.S.C. 112, first and 35 U.S.C. 101. The rejections under 35 U.S.C. 112, first and 35 U.S.C. 101 have been withdrawn.

Beginning on page 9, Appellant gives an overview of the Newman reference. On pages 10-11 of the Arguments, Appellant argues claims 1 and 14 are not taught by Newman because Newman does not teach transitions are supplied to the user independent of any multimedia assets provided by the video editing application. Appellant argues Newman only teaches the transitions are provided by an editor in the form of default transitions or transitions in a GUI.

Examiner disagrees.

As an initial point, Appellant on page 9-10 states the following, "*Newman discloses that a user can select a provided transition in a transition GUI and drop it in a storyboard between a pair of clips to create a transition between the clips. See Newman at col. 16, ll. 4-20, and figure 11. Thus Newman discloses default or provided transitions that are merely selected by the system or a user".* It appears Appellant agrees that Newman discloses a user can provide transitions selected by a user using a

transition GUI. In addition to using a transition GUI, Newman also teaches users can capture hypermedia from real-time online sources, such as broadcast radio, television, the world wide web, off-line sources, etc. The user can replay the hypermedia in addition to selectively capture and manipulate hypermedia portions, or clips using the transition GUI. The captured clips appear as icons on the GUI and consumers may combine captured clips by manipulating their icons to effect a wide variety of editing functions, such as fades, dissolves, etc. See column 3, lines 45-67. In other words, the multimedia assets are user-supplied independent of multimedia assets provided in the video editing application.

The fact that a user can capture clips from other sources such as the WWW reads on the limitation, ***identifying a plurality of multimedia assets that define a transition, wherein at least one of the plurality of multimedia assets is user-supplied independent of any multimedia asset provided by the video editing application.*** Just because the clips can be presented in a transition GUI does not mean they are not user-supplied independent of other multimedia assets in the video editing application. Furthermore, Appellant's system acquires user-supplied multimedia assets that are not "predefined" or “pre-installed” (see pages 7-8 of Appellant’s arguments). In other words, if the only definition of a user-supplied multimedia asset independent of any multimedia asset provided by the video editing application is that it not be “predefined” or “preinstalled” with the video editing program, then certainly Newman’s user-supplied multimedia assets or clips from another source such as the WWW is not “predefined” or “pre-installed” within a video-editing application.

Appellant's system also ultimately has to incorporate the "user-supplied multimedia asset" into the video editing system in order to define the transition. There is nothing in the claim language that prevents the user-supplied multimedia asset from being used within a video editing application, only that it is user-supplied independent of the assets in the video editing application.

On page 11 of the Brief, Appellant continues to argue the captured hypermedia in Newman does not define a transition **in the same way** Appellant's claims call for multimedia assets that define a transition. Examiner disagrees. As already stated above, the fact that a user can capture clips from other sources such as the WWW reads on the limitation, ***identifying a plurality of multimedia assets that define a transition, wherein at least one of the plurality of multimedia assets is user-supplied independent of any multimedia asset provided by the video editing application.*** Just because the clips can be presented in a transition GUI does not mean they are not **user-supplied** independent of other multimedia assets in the video editing application.

On pages 11-12 of the Brief, Appellant makes similar arguments with respect to claims 22 and 28. Specifically, Appellant argues the x-asset key is not independent of any x-asset key provided by the video editing application. Examiner disagrees. Newman teaches identifying an alpha frame from the memory controller or from a user-captured clip from the WWW wherein the alpha frame comprises a video clip or movie which matches the limitation ***identifying an x-asset key that is independent of <u>any x-asset key provided by</u> the video editing application, wherein the x-asset key***

comprises at least one second movie. See column 3, lines 45-67, column 4, lines 1-52 and column 9, lines 32-54.

Newman teaches users can capture hypermedia from real-time online sources, such as broadcast radio, television, the world wide web, off-line sources, etc. The user can replay the hypermedia in addition to selectively capture and manipulate hypermedia portions, or clips using the transition GUI. The captured clips appear as icons on the GUI and consumers may combine captured clips by manipulating their icons to effect a wide variety of editing functions, such as fades, dissolves, etc. See column 3, lines 45-67. In other words, the x-asset keys are independent of multimedia assets provided in the video editing application.

The fact that a user can capture clips from other sources such as the WWW reads on the limitation, ***identifying an x-asset key that is independent of any x-asset key provided by the video editing application, wherein the x-asset key comprises at least one second movie.*** Just because the clips can be presented in a transition GUI does not mean they are not user-supplied independent of other multimedia assets in the video editing application. Furthermore, Appellant's system acquires user-supplied multimedia assets that are not "predefined" or “pre-installed” (see pages 7-8 of Appellant’s arguments). In other words, if the only definition of an x-asset key independent of any multimedia x-asset key provided by the video editing application is that it not be “predefined” or “preinstalled” with the video editing program, then certainly Newman’s x-asset key or clips from another source such as the WWW is not “predefined” or “pre-installed” within a video-editing application. Appellant’s system also

ultimately has to incorporate the "x-asset key" into the video editing system in order to define the transition. There is nothing in the claim language that prevents the user-supplied multimedia asset from being used within a video editing application, only that it is user-supplied independent of the assets in the video editing application.

For the above reasons, it is believed that the rejections should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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